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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,871	12/08/1998	JEFF L. HYMER	95-956CIP	7390

7590 01/02/2004
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320 N MAIN STREET
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EXAMINER

CRANSON JR, JAMES W

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/207,871	Applicant(s) HYMER, JEFF L.	
	Examiner James W Cranson	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,005,089 to Robbins in view of USPN 1, 300, 893 to Stover. Robbins discloses a device for a relatively tall commercial vehicle (figure 1 shows a relatively tall commercial vehicle) for signaling to a plurality of other vehicles of much lesser height comprising at least two bodies (figure 2 is body 1, figure 6 is body 2), each body having a base (16 and 16'), and a cover joined to the base (38), means for attaching each base to the vehicle (holes 24 and 26), the two bodies being mountable adjacent to the top of the vehicle (figure 1 and adjacent to side of vehicle (figure 1) with covers facing rearward (figures 4 and 6). Robbins does not disclose a plurality of translucent lenses in the cover and a plurality of illumination means. Stover teaches in an automobile signal device using a plurality of translucent lenses and a plurality of illumination means (figures 3,4). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Robbins with the plurality of translucent lenses and plurality of illumination means as taught by Stover so that more information is obtained from the signaling device.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Stover as applied to claim 3 and in further view of USPN 5,388,035 to Bodem, Jr. Robbins as

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modified above for claim 3 lacks a printed circuit board having light emitting diodes mounted on said printed circuit board.

Bodem, Jr. teaches in an automotive signaling device having a circuit board (25) positioned between bosses 27 and a base 11, further including a plurality of light emitting diodes (29) mounted to the circuit board 25 (see column 3, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the automotive signaling device of Robbins with the automotive signaling device of Bodem, Jr. since Bodem, Jr. teaches that light emitting diodes have the advantage of a relatively long service life (column 1, lines 8-12).

Claim 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,201,415 to Suchanek in view of USPN 2,486, 476 to Kelly. Suchanek discloses vehicle signaling lights (47-58) for signaling change of speed or direction (col 4, lines 18-28) from a first relatively tall commercial vehicle (figure one) to a plurality of other vehicles (figure one) following there behind (figure one) comprising a light in upper right rear corner (figure 1), upper left rear corner (figure 1), high elevation (figure 1),

Suchanek does not disclose electric circuitry controlling said lights.

Kelly teaches vehicle signaling lights and electric circuitry (see figure 4) communicating from first driver controls to each of the at least one light whereby a first vehicle driver can selectably illuminate each or both of the at least one lights by applying the first vehicle turn signal switches 100, 102. The at least one light has separately illuminateable brake light 84 and turn signal light 82,86 (see figures 1-4; column 1, lines 1-8, and lines 46-53; column 2, line 45- column 3, line

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26). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the circuitry of Kelly in Suchanek because it is well known that vehicle lighting systems require circuitry in order to be activated.

Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over over USPN 4,201,415 to Suchanek, USPN 2,486, 476 to Kelly as applied to claims 6-8 above and in further view of Bodem, Jr. Suchanek as modified above for claims 6-8 does not have a printed circuit board having LEDs mounted on said printed circuit board. Bodem, Jr. teaches in an automotive signaling device having a circuit board (25) positioned between bosses 27 and a base 11, further including a plurality of light emitting diodes (29) mounted to the circuit board 25 (see column 3, lines 42-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the automotive signaling device of Suchanek, as modified by Kelly, with the LEDs mounted on circuit board of Bodem Jr. because LEDs mounted to a circuit board will help reduce junction temperature.

Response to Arguments

Applicant's arguments filed 10.15.2003 have been fully considered but they are not persuasive regarding claims 3-5 in view of the statement by applicant on page 2, lines 3-5 of response to examiner's action dated April 7, 2003 that "Robbins, in column 3, lines 19-26, does briefly comment with respect to FIG. 6 that the center triple light on the front panel of the truck body may be selectively energized to signal to other trucks" and "that such lights are used front and rear" page 1, last four lines.

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Applicant's arguments, see paper, filed 10.15.2003, with respect to the rejection(s) of claim(s) 6-10 under the 35 U.S.C. 103(a) rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of USPN 4,201,415 to Suchanek.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

JW 12/23/03

Stephen Husar
Stephen Husar
Primary Examiner